



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,055	06/25/2001	Yasuhiko Kobayashi	KIN50USA	9698

270 7590 05/10/2004

HOWSON AND HOWSON
ONE SPRING HOUSE CORPORATION CENTER
BOX 457
321 NORRISTOWN ROAD
SPRING HOUSE, PA 19477

EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/891,055	Applicant(s) KOBAYASHI, YASUHIKO	
	Examiner Elizabeth M. Cole	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1771

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townley et al, U.S. Patent No. 5,657,797 in view Sakuma, U.S. Patent No. 6,214,752. Townley discloses a paper making felt comprising a base fabric having a fibrous batt needled on to it. The base fabric may comprise a woven fabric. The fabric may further comprise stuffer yarns which stabilize the woven fabric. The stuffer yarns correspond to the claimed straight yarns. The stuffer yarns are evenly distributed. Townley et al differs from the claimed invention because Townley does not disclose that the straight yarns comprise at least 40% of the number of yarns in the warp and weft of the woven fabric. However, Townley does teach that the stuffer yarns serve to stabilize the fabric. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have optimized the number of stuffer yarns through the process of routine experimentation in order to produce a felt having the desired stability.

Townley also differs from the claimed invention because Townley does not disclose employing the straight yarns in both the warp and the weft. Sakuma teaches that employing the straight yarns in both the warp and the weft enhances the dimensional stability and abrasion resistance of the fabric. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed straight yarns in both the warp and the weft. One of ordinary skill in the art would have been motivated to employ straight yarns in both the warp and

Art Unit: 1771

weft by the teaching of Sakuma that this would enhance the dimensional stability and abrasion resistance of the woven fabric. See col. 1, lines 46- col. 2, line 24.

3. Applicant's arguments are sufficient to withdraw the 112 1st paragraph rejection. The rejection of claims 2-3 under 102(b) was inadvertently left in the rejection during editing but should have been removed since the Townley reference does not teach each and every claimed limitation.

4. Applicant's arguments filed 2/26/04 have been fully considered but they are not persuasive. Applicant argues that the additional stuffer yarns of Townley are not analogous to the claimed yarns because the Townley yarns impart additional stability in the thickness direction rather than in the machine or cross machine direction. However, the claims do not recite increased stability in any direction, thickness, machine or cross machine. Also with regard to Townley, Applicant argues that the reference does not meet the requirements of claim 1 because the yarns employed as the cross machine direction stuffer yarns are the same as those employed as the machine direction yarns. However, although one example does teach employing the same yarns for both, the reference also states that the stuffer yarns can be a cabled, monofilament plied or multifilament yarn, and therefore in those embodiments the stuff yarn would be less flexible. Also, since the fabric of Townley comprises cross machine direction yarns in addition to the cross machine direction stuffer yarns, and the cross machine direction yarns are cable yarns those yarns would also meet the limitations of claim 1 of being straighter and less flexible than the winding yarns, (i.e., the machine direction yarns of Townley).

5. With regard to claims 2-4, Applicant argues that Sakuma does not teach that the straight yarns are less flexible than the winding yarns. However, claims 2-4 do not recite that the straight

Art Unit: 1771

yarns are less flexible than the winding yarns. Applicant also argues that there would be no motivation to combine the teachings of Townley and Sakuma. However, Sakuma teaches that enhanced dimensional stability and improved abrasion resistance are obtained when additional straight yarns are used in both directions of the fabric. Therefore, the rejections have been maintained.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

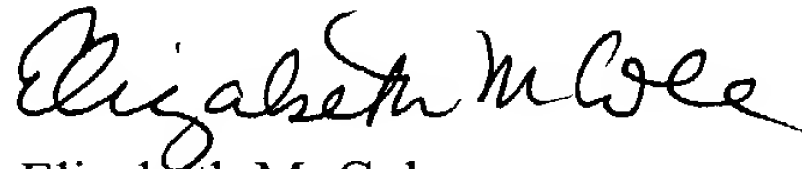
Application/Control Number: 09/891,055

Page 5

Art Unit: 1771

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.



Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c

